

## REMARKS

In the Office Action the Examiner noted that claims 14-26 are pending in the application, and the Examiner rejected all claims. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

### Claim Rejections Under 35 USC §103

On pages 2-6 of the Office Action the Examiner rejected claims 14-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,738,625, issued to Oom et al. (hereinafter referred to as "Oom") in view of U.S. Patent No. 6,912,390, issued to Andersson et al. (hereinafter referred to as "Andersson"). The Applicants respectfully traverse the Examiner's rejections of these claims.

As discussed in the previous Amendments, Oom does not disclose or suggest a first device of a first hierarchy administering physical resources for a data transmission to user equipment, and providing a connection interface to the user equipment. Rather, Oom apparently discloses that the base stations 110 provide a radio connection with the user equipment 120, and the RNCs 115 administer the resources (Figure 2).

The Examiner acknowledged that Oom does not disclose the features discussed above. However, the Examiner alleged that Andersson discloses administering physical resources for a data transmission to user equipment by a first device at a first hierarchy within the hierarchical network architecture, with the first device providing a physical connection interface to the user equipment (citing Column 15, Lines 12-29, and Column 24, Lines 6-33). The Examiner alleged that the first radio network control node serves as a serving radio network control (SRNC) node, and the second radio network control serves as a drift radio network control (DRNC) node for the radio connection with the user equipment unit (citing Column 5, Lines 11-24 of Andersson).

The Examiner alleged that the newly cited portions of Andersson disclose the physical connection interface discussed in the previous Amendment. However, the Applicants respectfully submit that the cited portions of Andersson, as well apparently as the remainder of the disclosure, merely disclose that a physical layer may comprise a network of switches and cables for connecting devices such as mobile or stationary telephones. Above this physical layer, a connection layer and a call layer are realized for specific purposes such as connection and service handling. Andersson also discloses physical, connection, and call layers arranged between a SRNC, DRNC, and a base station (Column 24, Lines 6-33, and Figure 9).

The Applicants respectfully submit that these portions of Andersson do not disclose any physical layer between RNC or a base station and a user device. Further, while there is a physical layer connecting all components of a network, each physical connection has to be regarded separately. For example, a physical layer between the RNC and the base station may be realized by an Ethernet cable, while in a radio communication network the physical layer between the base station and the user equipment is realized by means of a radio interface. A physical connection interface using radio resources between the RNC and the user equipment, as alleged by the Examiner, is not disclosed or suggested by Andersson.

In the Examiner' Response to Amendments & Remarks, on pages 7-8 of the Office Action, the Examiner cited Column 8, Lines 22-27, and Column 10, Lines 36-45 of Andersson as support for the rejections. The first passage referred to by the Examiner discloses a radio or air interface 32 (Figure 3) between a user equipment unit (UE) 30 and base stations (BS) 28, wherein the interface 32 is configured between UE 30 and BS 28<sub>2,1</sub>. The other interfaces described in the cited passage are configured between other network components, i.e., lub between BS 28 and RNCs 26, lur between RNCs 26, and lu between RNCs 26 and a Core Network Service Nodes 16. However, there is no disclosure in the text and example of Figure 3 that interfaces lub, lur, and lu are configured as radio or air interfaces, only interface 32 is defined as a radio or air interface.

In the second passage cited by the Examiner, the end-to-end protocol for various distinct connection elements have been cited in previous Office Actions by the Examiner (Column 5, Lines 12-24). Both of these cited passages define an end-to-end connection consisting of a plurality of connection segments between different network elements. However, there is no disclosure relating to the administering of physical radio resources by a first device, herein this first device provides a direct physical radio connection with the user equipment. As stated above, the RNC does not have a radio or air interface to the user equipment as one of the plurality of connection segments, interfaces lub, lur, and lu are not defined as radio or air interfaces. Andersson merely discloses the classic configuration of a UMTS network, wherein the RNC is responsible for administering radio resources and controlling of a number of base stations BS. As compared to claim 14, the RNC in Andersson would be characterized as the first hierarchy. However, as previously discussed, the RNC has not radio or air interface to the user equipment, and therefore does not disclose, suggest, nor contemplate the recited features of claims 14.

Therefore, the Applicants respectfully submit that neither of the cited references discloses the features of claim 14 of the present application. Claim 25 recites similar features as those discussed in regard to claim 14, and which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 14 and 25 patentably distinguish over the cited references.

Claims 15-24 depend from claim 14, and claim 26 depend from claim 25. These dependent claims include all of the features of the respective claims upon which they depend, plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 15-24 and 26 also patentably distinguish over the cited references.

On pages 6-7 of the Office Action the Examiner rejected claims 24 and 26 under 35 U.S.C. §103(a) as being unpatentable over Oom and Andersson in view of U.S. Patent Application Publication No. 2002/0193118, issued to Jain et al. (hereinafter referred to as "Jain"). The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

As discussed previously in this Amendment, independent claims 14 and 25 patentably distinguish over Oom and Andersson. Further, as Jain apparently merely discloses controlling a transmission of data packets in a packet data transmission system, Jain does not cure the deficiencies of Oom and Andersson in relation to claims 14 and 25. Thus, as claims 24 and 26 depend respectively from claims 14 and 25, and include all of the features of those respective claims plus additional features which are not disclosed or suggested in the cited references, it is respectfully submitted that claims 24 and 26 also patentably distinguish over the cited references.

#### Summary

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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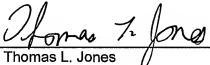
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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